

Attorney Docket No. INVIT1100-1  
Applicant or Patentee: Hoeffler et al.  
Serial No. or Patent No.: 09/245,615  
Filed or Issued: February 4, 1999  
Title: MICROARRAYS AND USES THEREFOR



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. §§ 1.9(f) and 1.27(e)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN INVITROGEN CORPORATION  
ADDRESS OF CONCERN 1600 Faraday Avenue  
Carlsbad, CA 92008

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.3-18 and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled MICROARRAYS AND USES THEREFOR by inventor(s) James Paul Hoeffler, Joseph Manuel Fernandez and Marc S. Nasoff described in:

- ☐ the specification filed herewith  
☒ Based on Application Serial No. 09/245,615, filed February 4, 1999.  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. §1.27).

Full Name \_\_\_\_\_

Address \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name \_\_\_\_\_

Address \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. '1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

WARNER BROADBENT

TITLE OF PERSON OTHER THAN OWNER

GEN. COUNSEL & ASST. SECY

ADDRESS OF PERSON SIGNING

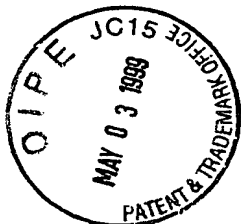
1600 FARADAY AVE, CARLSBAD, CA 92008

SIGNATURE

Warner Broadbent

DATE

3/2/99

DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled MICROARRAYS AND USES THEREFOR, the specification of which

\_\_\_\_\_ is attached hereto.

☒ was filed on February 4, 1999 (Attorney Docket No. INVIT1100-1)  
as U.S. Application Serial No. 09/245,615  
and was amended on \_\_\_\_\_  
if applicable (the "Application").

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, Code of Federal Regulations ("C.F.R."), § 1.56.

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/073,605                      February 4, 1998  
(Application Serial No.)      (Filing Date)

\_\_\_\_\_  
(Application Serial No.)      (Filing Date)

\_\_\_\_\_  
(Application Serial No.)      (Filing Date)

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of the Application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
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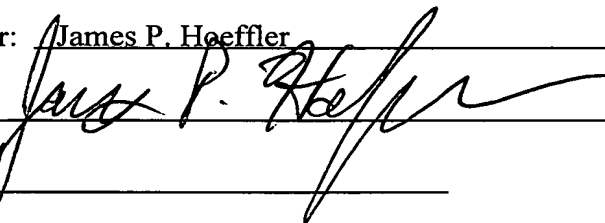
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
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_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: James P. Hoeffler

Inventor's signature: 

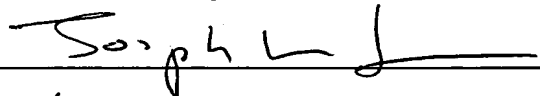
Date: 3/16/99

Residence: Carlsbad, California

Citizenship: United States

Post Office Address: 957 Jasmine Court  
Carlsbad, CA 92009

Full name of second inventor: Joseph M. Fernandez

Inventor's signature: 

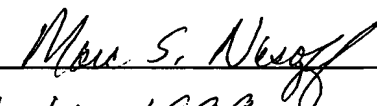
Date: 3/16/99

Residence: Carlsbad, California

Citizenship: United States

Post Office Address: 3930 SkyLine  
Carlsbad, CA 92008

Full name of third inventor: Marc S. Nasoff

Inventor's signature: 

Date: March 16, 1999

Residence: San Diego, California

Citizenship: United States

Post Office Address: 11734 Mira Lago Way  
San Diego, CA 92131